

AMENDMENTS TO THE CLAIMS

1-4. (Canceled)

5. (Currently amended) An active material for an electrode, comprising:

a lithium--containing complex oxide A represented by General Formula:

$\text{Li}_{1+x+\alpha}\text{Ni}_{(1-x-y-\delta)/2}\text{Mn}_{(1-x-y-\delta)/2}\text{M}_y\text{O}_2$ (where $0 \leq x \leq 0.15$, $-0.05 \leq x+\alpha \leq 0.2$, $0 \leq y \leq 0.4$; $-0.1 \leq \delta \leq 0.1$; and M is at least one element selected from the group consisting of Mg, Ti, Cr, Fe, Co, Cu, Zn, Al, Ge, Zr and Sn), the lithium--containing complex oxide A comprising secondary particles formed of flocculated primary particles, the secondary particles having a mean particle diameter of 5 to 20 μm , Mn having an average valance of 3.3 to 4; and

a lithium--containing complex oxide B having a mean particle diameter smaller than the mean particle diameter of the secondary particles of the lithium--containing complex oxide A, the lithium--containing complex oxide B having a different composition from the lithium--containing complex oxide A and being represented by General Formula: $\text{Li}_{1+a+b}\text{R}_{1-a}\text{O}_2$ (where $0 \leq a \leq 0.05$ and $-0.05 \leq a+b \leq 0.05$; and R is Co and at least one element selected from the group consisting of Mg, Ti, Cr, Fe, Cu, Zn, Al, Ge, Zr and Sn).

6. (Original) The active material for an electrode according to claim 5, wherein $x \leq 0.05$ and $x+\alpha \leq 0.05$.

7. (Original) The active material for an electrode according to claim 5, wherein the lithium--containing complex oxide B is contained in a ratio of 10% to 40% by weight with respect to a whole of the lithium--containing complex oxide A and the lithium--containing complex oxide B.

8. (Original) The active material for an electrode according to claim 5, wherein the mean particle diameter of the lithium--containing complex oxide B is not greater than 3/5 of that of the secondary particles of the lithium--containing complex oxide A.

9. (Original) The active material for an electrode according to claim 5, wherein in the General Formula, $y > 0$ and M is one or more elements containing at least Co.

10. (Original) The active material for an electrode according to claim 5, wherein the lithium-containing complex oxide A has a BET specific surface area of 0.3 to 2 m²/g.

11. (Original) The active material for an electrode according to claim 5, wherein the lithium-containing complex oxide B is a complex oxide of secondary particles formed of flocculated primary particles.

12. (Original) The active material for an electrode according to claim 5, wherein Ni, Mn and the element M of the lithium-containing complex oxide A have a valence of 2, 4 and 3, respectively.

13-19. (Canceled)

20. (Previously presented) A non-aqueous secondary battery comprising:

- a positive electrode comprising a positive electrode mixture comprising the active material for an electrode according to claim 5;
- a negative electrode; and
- a non-aqueous electrolyte.

21. (Original) The non-aqueous secondary battery according to claim 20, wherein $x \leq 0.05$ and $x + a \leq 0.05$.

22. (Original) The non-aqueous secondary battery according to claim 20, wherein the lithium-containing complex oxide B is contained in a ratio of 10% to 40% by weight with respect to a whole of the lithium-containing complex oxide A and the lithium-containing complex oxide B.

23. (Original) The non-aqueous secondary battery according to claim 20, wherein the mean particle diameter of the lithium-containing complex oxide B is not greater than $3/5$ of that of the secondary particles of the lithium-containing complex oxide A.

24. (Original) The non-aqueous secondary battery according to claim 20, wherein in the General Formula, $y > 0$ and M is one or more elements containing at least Co.

25. (Original) The non-aqueous secondary battery according to claim 20, wherein the lithium-containing complex oxide A has a BET specific surface area of 0.3 to $2 \text{ m}^2/\text{g}$.

26. (Original) The non-aqueous secondary battery according to claim 20, wherein the lithium-containing complex oxide B is a complex oxide of secondary particles formed of flocculated primary particles.

27. (Canceled)

28. (Original) The non-aqueous secondary battery according to claim 20, wherein Ni, Mn and the element M of the lithium-containing complex oxide A have a valence of 2, 4 and 3, respectively.

29-31. (Canceled)

32. (Currently amended) The active material for an electrode according to claim 5, wherein a composition of the lithium-containing complex oxide A represented by the General Formula is in a vicinity of a composition represented by $\text{LiNi}_{5/12}\text{Mn}_{5/12}\text{M}_{1/6}\text{O}_2$.

33-34. (Canceled)

35. (Currently amended) The active material for an electrode according to claim 5, wherein a composition of the lithium-containing complex oxide A ~~a composition represented by the General Formula~~ is in a vicinity of a composition represented by $\text{LiNi}_{1/3}\text{Mn}_{1/3}\text{M}_{1/3}\text{O}_2$.

36-37. (Canceled)

38. (Previously presented) A non-aqueous secondary battery comprising:

a positive electrode comprising a positive electrode mixture comprising the active material for an electrode according to claim 32;

a negative electrode and

a non-aqueous electrolyte.

39-40. (Canceled)

41. (Previously presented) A non-aqueous secondary battery comprising:

a positive electrode comprising a positive electrode mixture comprising the active material for an electrode according to claim 35;

a negative electrode; and

a non-aqueous electrolyte.

42. (Canceled)

43. (Currently amended) A non-aqueous secondary battery comprising:

a positive electrode comprising a positive electrode mixture comprising as a positive active material a lithium-containing complex oxide represented by General Formula: $\text{Li}_{1+x+\alpha}\text{Ni}_{(1-x-y+\delta/2)}\text{Mn}_{(1-x-y-\delta/2)}\text{M}_y\text{O}_2$ (where $0 \leq x \leq 0.15$, $-0.05 \leq x+\alpha \leq 0.2$, $0.16 \leq y \leq 0.4$; $-0.1 \leq \delta \leq 0.1$; and M is at least one element selected from the group consisting of Mg, Ti, Cr, Fe, Co, Cu, Zn, Al, Ge, Zr and Sn), the lithium-containing complex oxide comprising secondary particles formed of flocculated primary particles;

a negative electrode; and
a non-aqueous electrolyte;
wherein the primary particles have a mean particle diameter of 0.3 to 3 μm ,
the secondary particles have a mean particle diameter of 5 to 20 μm , and
the lithium-containing complex oxide has a BET specific surface area of 0.3 to 2 m^2/g , and
~~The non-aqueous secondary battery according to claim 16,~~ wherein the positive electrode mixture contains a binder and has a density of at least 2.9 g/cm^3 .

44. (Previously presented) The non-aqueous secondary battery according to claim 20, wherein the positive electrode mixture contains a binder and has a density of at least 2.9 g/cm^3 .

45. (Currently amended) A non-aqueous secondary battery comprising:

a positive electrode comprising a positive electrode mixture comprising as a positive active material a lithium-containing complex oxide represented by General Formula: $\text{Li}_{1-x+\alpha}\text{Ni}_{(1-x-y+\delta)/2}\text{Mn}_{(1-x-y-\delta)/2}\text{M}_y\text{O}_2$ (where $0 \leq x \leq 0.15$, $-0.05 \leq x+\alpha \leq 0.2$, $0.16 \leq y \leq 0.4$; $-0.1 \leq \delta \leq 0.1$; and M is at least one element selected from the group consisting of Mg, Ti, Cr, Fe, Co, Cu, Zn, Al, Ge, Zr and Sn), the lithium-containing complex oxide comprising secondary particles formed of flocculated primary particles;

a negative electrode; and
a non-aqueous electrolyte;
wherein the secondary particles having a mean particle diameter of 5 to 20 μm are contained in a ratio of 60% to 90% by weight with respect to a whole of the lithium-containing complex oxide,

the secondary particles having a mean particle diameter of not greater than 3/5 of the mean particle diameter of 5 to 20 μm are contained in a ratio of 10% to 40% by weight with respect to the whole of the lithium-containing complex oxide, and

~~The nonaqueous secondary battery according to claim 20,~~ wherein the positive electrode mixture contains a binder and has a density of at least 2.9 g/cm^3 .

46. (New) The non-aqueous secondary battery according to claim 45, wherein in the General Formula, $y > 0$ and M is one or more elements containing at least Co.

47. (New) The non-aqueous secondary battery according to claim 45, wherein a composition represented by the General Formula is in a vicinity of a composition represented by $\text{LiNi}_{1/3}\text{Mn}_{1/3}\text{M}_{1/3}\text{O}_2$.

48. (New) The non-aqueous secondary battery according to claim 45, wherein the positive electrode comprises a positive active material having a different composition from the lithium-containing complex oxide represented by the General Formula.

49. (New) The non-aqueous secondary battery according to claim 45, wherein the positive electrode comprises a lithium-containing complex oxide represented by General Formula: $\text{Li}_{1+a+b}\text{R}_{1-a}\text{O}_2$ (where $0 \leq a \leq 0.05$ and $-0.05 \leq a+b \leq 0.05$, and R is at least one element selected from the group consisting of Mg, Ti, Cr, Fe, Co, Cu, Zn, Al, Ge, Zr and Sn).

50. (New) The non-aqueous secondary battery according to claim 49, wherein in the General Formula $\text{Li}_{1+a+b}\text{R}_{1-a}\text{O}_2$, R comprises at least Co.